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*Counsel for Defendants Direxion Shares EFT Trust,
Daniel D. O'Neill, Daniel J. Byrne, Gerald E. Shanley, III,
John Weisser and Rafferty Asset Management, LLC*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Direxion Shares EFT Trust) Civil Action No. 1:09-CV-08011-KBF
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NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the annexed Declaration of Daniel D. O'Neill, the annexed Declaration of Dr. Patrick E. Conroy, with exhibits, the annexed Declaration of Nicholas G. Terris, Esq., with exhibits, the annexed Memorandum of Law in Support of the Direxion Defendants' Motion for Summary Judgment and the papers and pleadings previously filed herein, Defendants Direxion Shares EFT Trust, Daniel D. O'Neill, Daniel J. Byrne, Gerald E. Shanley, III, John Weisser, and Rafferty Asset Management, LLC (collectively the "Direxion Defendants") will move this Court, before the Honorable Katherine B. Forrest, United States

District Court Judge, at the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, on September 28, 2012 at 2:30 pm, for an Order granting the Direxion Defendants summary judgment against Plaintiffs Stoowler, Remmells and Schwack pursuant to Fed. R. Civ. P. 56.

Dated: August 31, 2012
New York, New York

K&L Gates LLP

By:


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